

## **REMARKS**

### **STATUS OF CLAIMS**

Claims 1-21 were pending in the application. After the instant amendments, claims 1-21 are pending in the application for reconsideration.

### **REJECTION UNDER 35 USC §101**

In the office action, claims 1-21 are rejected under 35 USC 101 as directed to non-statutory subject matter. In reply, applicants have amended these claims to address the issues noted in the office action and submit that the pending claims recite statutory subject matter and comply with the requirements section 101 as currently enunciated by the federal courts. If the examiners still has any outstanding issues under section 101, applicants respectfully request the examiner to contact the undersigned attorney so that these issues may be addressed to expedite prosecution of this case.

### **OBJECTIONS TO THE SPECIFICATION AND DRAWINGS**

Applicants have amended figures 2 and 3 to add reference numerals 200 and 300, respectively, corresponding to the text of the originally filed specification. Paragraph 40 has been amended to correct a typographical error. A replacement Abstract has been presented to address a grammatical issue noted in the office action. Since all of these changes are supported by the originally filed specification, no new matter has been added.

### **PRIOR ART REJECTIONS**

In the office action, claims 1-21 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,172,988 (“Tiernan”) in view of U.S. Patent

Type of Response: Amendment  
Application Number: 10/635730  
Attorney Docket Number: 302132.01  
Filing Date: 08/06/2003

Application Publication No. 2001/0009548 (“Morris”). Applicants respectfully traverse these rejections for at least the following reasons.

**Independent claim 1** recites inter alia,

...of exposing an interface for providing communication with a demultiplexer object which takes multiplexed multimedia data as input and outputs demultiplexed elementary media streams, the interface comprising:

- an Initialize method to configure the demultiplexer object;
- a SetPresentationDescriptor method to dynamically set an active presentation descriptor on the demultiplexer object;
- a ProcessInput method to provide a new input muxed stream to the demultiplexer object;
- a ProcessOutput method to retrieve at least one elementary stream from an active presentation determined based on the dynamically set active presentation descriptor; and
- a Flush method to flush currently queued input and output samples

Independent claim 1 recites a demultiplexer interface that (1) includes a SetPresentationDescriptor method to ***dynamically set an active presentation descriptor on the demultiplexer object***, and (2) a ProcessOutput method that ***retrieves at least one elementary stream from an active presentation that is determined based on the dynamically set active presentation descriptor***.

No such dynamic setting of an active presentation descriptor (and subsequent retrieval of an elementary stream from an active presentation determined based on the dynamically set active presentation descriptor) is taught or suggested by any of the applied references. Specifically, with respect to this feature, the office action cited to col. 5, lines 42-47 and col. 6, lines 5-9 of Tiernan. However, neither these cited portions nor any other portions of Tiernan disclose these recited features.

Specifically, col. 5, line 42-47 discloses that custom Message of Tiernan (designed so that non-MPEG2 streams can also be transported) includes a message type parameter so that “the Message is self-descriptive with respect to presentation layer processing.” Col. 6, lines 5-9 simply describes the functionality of the decoder 18 which

Type of Response: Amendment  
Application Number: 10/635730  
Attorney Docket Number: 302132.01  
Filing Date: 08/06/2003

includes a demultiplexer 20 and a PES de-packetizer 22 which together reconstitute the received elementary streams 32 and the control information 31. However, this disclosure of Tiernan has nothing to do with the claimed method to ***dynamically set an active presentation descriptor on the demultiplexer object***, and the claimed method that ***retrieves at least one elementary stream from an active presentation that is determined based on the dynamically set active presentation descriptor***.

Neither is this deficiency in Tiernan cured by Morris. Specifically, Morris is directed to reducing the computation burden when converting between different formats of datastreams (such as MPEG transport stream and MPEG program stream). See paragraph 5 on page 1 of Morris. However, the disclosure of Morris has nothing to do with the claimed method to ***dynamically set an active presentation descriptor on the demultiplexer object***, and the claimed method that ***retrieves at least one elementary stream from an active presentation that is determined based on the dynamically set active presentation descriptor***.

Accordingly, at least this recited feature is also not disclosed or suggested by any of the applied references (Tiernan or Morris) or by their reasonable combination.

In addition, independent claim 1 recites a flush method which to flushes currently queued input and output samples. The office action acknowledges that Tiernan does not disclose any such flush method. To cure this deficiency, the office action relies on Morris and cites to paragraph 0013 of Morris. However, this disclosure of Morris relates to inserting packet headers to re-packetize each elementary stream (as a step in the process of converting a received TS data stream into a specified PS stream format). See paragraphs [0007]-[0014] of Morris. This disclosure has nothing to do with the claimed flush method that flushes currently queued input and output samples. Accordingly, this recited feature is also not disclosed by the applied combination of Tiernan and Morris.

It should be noted that the Patent Office (PTO) has the burden of proving each of the claimed features is shown by the prior art. An allegation that claimed subject matter

Type of Response: Amendment  
Application Number: 10/635730  
Attorney Docket Number: 302132.01  
Filing Date: 08/06/2003

is “obvious” (as here alleged) requires a positive, concrete teaching in the prior art, such as would lead a person skilled in the art to choose the claimed combination from among many that might be comprehended by broad prior art teachings. The PTO’s review court has made it very clear that silence in a reference is hardly a substitute for clear and concrete evidence from which a conclusion of obviousness might justifiably flow. See, e.g., *Application of Burt*, 356 F.2d 115, 121 (CCPA 1966).

### **DEPENDENT CLAIMS**

The dependent claims are deemed to be patentable at least based on their dependence from allowable independent claims. In addition, they recite patentable subject matter when considered as a whole.

It should be noted that applicants have not separately argued the patentability of each of the dependent claims in view of the patentability of the independent claim from which they ultimately depend. However, applicants reserve the right to distinguish these claims over the presently applied reference and do not acquiesce in the currently applied rejections in view of the clear deficiencies of the applied reference with respect to the independent claim 1 as discussed earlier herein.

Type of Response: Amendment  
Application Number: 10/635730  
Attorney Docket Number: 302132.01  
Filing Date: 08/06/2003

## CONCLUSION

Accordingly, applicants submit that the application is now in condition for allowance and an indication of the same is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' representative at the telephone number listed below.

*If this Amendment is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this Response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.*

Respectfully submitted,  
Microsoft Corporation

Date: June 30, 2008

By: /Aaron C. Chatterjee/

Aaron C. Chatterjee  
Reg. No. 41,398  
Attorney for Applicants  
Direct telephone (425) 706-7453  
Microsoft Corporation  
One Microsoft Way  
Redmond WA 98052-6399

**CERTIFICATE OF MAILING OR TRANSMISSION**  
**(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING**

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

June 30, 2008  
Date

Noemi Tovar/  
Noemi Tovar

Type of Response: Amendment  
Application Number: 10/635730  
Attorney Docket Number: 302132.01  
Filing Date: 08/06/2003